

**Appl. No. 10/049,976**  
**Amdt. dated June 28, 2004**  
**Reply to Office Action of June 3, 2004**

### **REMARKS/ARGUMENT**

This amendment responds to the Office Action of June 3, 2004.

Claims 10-14 are pending in the application with claims 10, 13, and 14 having been amended, and claims 1-9 having been previously canceled.

The specification has been amended by the addition of a status paragraph referring to the 371 status of the present application, as requested by the Examiner.

Claims 10-14 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. According to the Examiner: "Compound claims 13 and 14 are improperly dependent on method of use claim 10. Rewriting claim 13 in independent form to include formula I and all the necessary definitions, for example the L and L' groups, is requested. Further, the groups "pyridyl" and "2-pyridyl" in the A<sup>3</sup> definition in claims 10 and 13 is confusing since overlap is involved. Correction and/or clarification is requested."

Claims 13 and 14 have been rewritten in independent form to include formula I and all necessary definitions.

The group "2-pyridyl" has been deleted from claims 10 and 13, since it is a species of "pyridyl", which remains in the claims, and is thus superfluous. No diminution of the scope of these claims is intended by this amendment.

Accordingly, it is requested that the rejection of claims 10-14 under 35 U.S.C. 112, second paragraph, be withdrawn.

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In view of the foregoing, it is submitted that this application is in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,



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